(3) (1) efist

BEFORE THE HONOURABLE HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc.appeal no.324\2003

Single Bench

APPELLANT / APPLICANT : M|S KOSHI UDYOG,174,LIGHT INDUSTRIAL AREA, BHILAI,DURG(C.G.) THROUGH ITS PROPRIETOR SHRI B.P. GUPTA S\O S.N.GUPTA AGED 51 YEARS

VERSUS

RESPONDENTS : 1.THE RECOVERY OFFICER,EMPLOYEES STATE INSURANCE CORPORATION, PANCHDEEP BHAVAN,NANDA NAGAR, INDORE-452008(M.P.)

P. R. No. 6/8/03 C.P. Sahu
Presented by Shri .....
dated 02.04.03

2.ASSTT.REGIONAL DIRECTOR, PANCHDEEP BHAVAN,NANDA NAGAR, EMPLOYEES STATE INSURANCE CORP. INDORE-452008(M.P.)

3.DY.DIRECTOR,EMPLOYEES STATE INSURANCE, PANCHDEEP BHAVAN, NANDA NAGAR,INDORE-452008(M.P.)

4.THE EMPLOYEES STATE INSURANCE CORPORATION, THROUGH REGIONAL DIRECTOR, PANCHDEEP BHAVAN,NANDA NAGAR INDORE-452008(M.P.)

NOTARY L.N. Agrawal NOTARY DURG (M.P.) INDIA

APPEAL UNDER SECTION 82(2) OF THE EMPLOYEES STATE INSURANCE ACT 1948 AGAINST THE ORDER DATED 1\2\2003 PASSED BY THE EMPLOYEES STATE INSURANCE COURT,DURG

Case no. 67/ESI/01/Civil

XI-HC-22

(61)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A. No. 326/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24/06/2004

Shri B.P. Mishra, counsel for the appellant.

Shri S.P. Kale with Shri Vinod Deshmukh, counsel for the respondents.

I.A.No.1797/2004 for urgent hearing is allowed.

Heard.

Learned counsel for the appellant submits that the appellant is a small-scale industry. However, the respondents have proceeded against the appellant. Objection has been raised. Demand of Rs.99,245/- with penalty has been raised and the respondents have issued notice to appellant to show cause as to why the warrant of arrest be not issued. It is submitted that the appellant has filed the petition along with an application for stay before E.S.I. Court. The Court rejected the stay application vide its order dated 1/2/2003. However, the mater is still pending and it is fixed for evidence on 07/07/2004.

Counsel for the appellant submits that the appellant employs only seven persons, who come within the category of skilled, semiskilled and unskilled workmen. It is submitted that if the recovery is not stayed, the appellant/firm may suffer irreparable loss.

Learned counsel for the respondents, on the other hand, submits that the amount is due and it should be paid.

Having considered the facts and circumstances of the case and material on record, in the opinion of this Court ends of justice

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(62)

आदेश पत्रक

मामला क्रमांक..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

will be served if a direction is given to the Court below to dispose of the petition pending before it as expeditiously as possible.

It is made clear that till the decision of the petition pending before the E.S.I. Court, the execution of the warrant of arrest shall remain stayed on furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the executing Court. The bond shall contain photograph and the details of the moveable and immoveable property belonging to the appellant. It is further made clear that on appellant's depositing 50% of the amount due and furnishing security for the balance amount, the remainder shall remain stayed.

With the aforesaid directions, the appeal stands disposed of. Consequently, M.C.P.No.610/2003 and all the applications pending also stand disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Raj